

GASNER CRIMINAL LAW
Law Chambers Building
345 Franklin Street
San Francisco, CA 94102

ADAM G. GASNER (SBN 201234)
Law Chambers Building
345 Franklin Street
San Francisco, CA 94102
Telephone: 415-782-6000
Facsimile: 415-782-6011
E-Mail: adam@gasnerlaw.com

VALERY NECHAY (SBN 314752)
Law Chambers Building
345 Franklin Street
San Francisco, CA 94102
Telephone: 650-761-0148
E-Mail: valery@nechaylaw.com

Attorney for Defendant
YEVGENIY ALEXANDROVICH NIKULIN

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

YEVGENIY ALEXANDROVICH NIKULIN,

Defendant.

No. 16-CR-00440 WHA

DEFENDANT'S MOTION TO
CONTINUE TRIAL

Date: March 17, 2020
Time: 7:30 a.m.

HON. WILLIAM H. ALSUP

Counsel for the defense, Adam Gasner and Valery Nechay, respectfully move the Court to continue the trial in the above-captioned case from March 17, 2020, to a future date in concert with county, state, and federal directives regarding public gatherings in the midst of the Covid-19 pandemic. Counsel for the defense believe under 18 U.S.C. § 3161(h) (7), the Court should find a

1 continuance weighs in favor of the best interests of the public and outweighs the interests of
2 defendant Nikulin's right to a speedy trial.

3 During a telephonic meeting with the Court and the Government this morning, the Defense
4 was made aware that a prosecution witness, Secret Service Special Agent Richard La Tulip, has
5 possibly been exposed to the Coronavirus through his travels and contact with a person exhibiting
6 symptoms consistent with Covid-19. It was further brought to our attention that neither the ill
7 person nor S.A. La Tulip have been tested for the virus. This is of concern because – as is
8 apparently the case with S.A. LaTulip - people carrying the virus may be asymptomatic. Defense
9 counsel believe S.A. La Tulip's appearance in the courtroom places all in attendance at undue risk
10 and does not perceive this situation as a merely generalized fear or concern at this point.

11 Since our telephonic meeting this morning, the White House issued a public directive to
12 avoid groups of more than 10 people. Moreover these concerns are supported by recent actions of
13 public health officers of Alameda, Contra Costa, Marin, San Francisco, San Mateo, and Santa Clara
14 counties who today announced, with the City of Berkeley, a legal order directing their respective
15 residents to shelter at home for three weeks beginning March 17th, 2020. The order limits activity,
16 travel, and business functions to only the most essential needs. The guidance comes after
17 substantial input from the U.S. Centers for Disease Control and Prevention (CDC).
18

19 Furthermore, it is unclear whether any inmates at Maguire Correctional Facility have
20 Covid-19 since representatives of the jail confirmed that there are no tests available despite
21 requests for them.

22 Therefore, the defense respectfully requests the Court to find a continuance of the
23 trial weighs in favor of the best interests of the public and the defendant, and that the trial be
24 continued for 30 days.

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Respectfully submitted,

DATED: March 16, 2020

/s/ Adam G. Gasner

Adam G. Gasner, Esq.

Attorney for Defendant

YEVGENIY ALEXANDROVICH NIKULIN

DATED: March 16, 2020

/s/ Valery Nechay

Valery Nechay, Esq.

Attorney for Defendant

YEVGENIY ALEXANDROVICH NIKULIN

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